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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/687,041

10/16/2003

Robert F. Olsen

03113

7487

4859 , 7590 01/15/2008
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EXAMINER

MCDOWELL, SUZANNE E

ART UNIT

PAPER NUMBER

1791

MAIL DATE

DELIVERY MODE

01/15/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/687,041

Applicant(s)

OLSEN ET AL.

Examiner

Suzanne E. McDowell

Art Unit

1791

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 October 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 2, 6, 8, 10 and 12-20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 3-5, 7, 9 and 11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 1/21/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

1. Applicant's election of Group I, claims 1, 3-5, 7, 9, and 11 in the reply filed on 10/12/07 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).
2. Claims 2, 6, 8, 10, and 12-20 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 10/12/07.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 3, 4, and 5 are rejected under 35 U.S.C. 102(b) as being anticipated by Peters et al. (US Patent 3,424,829). Peters et al. discloses the claimed limitations as follows: providing a blow mold with mold halves (11, 12) which form a cavity (13) with a main portion (14) and a handle portion (15); i.e., opening; providing sliding inserts (17, 18); placing a parison (20) into the mold halves (11, 12); blowing a partially blown parison or preblowing and then blowing the parison (column 2, lines 65-72), while the sliding inserts (17, 18) are withdrawn, to allow the parison to conform to the shape of the mold cavities (14, 15) (see Fig. 4, which depicts the parison extending

through the mold cavity 15; i.e., the opening); advancing the sliding inserts (17, 18) to pinch out the handle opening and then continuing to blow the parison until it conforms to the shape of the mold (See Fig. 5).

Regarding claims 3 and 4, Peters et al. discloses that the parison is formed from polyethylene, polypropylene, polybutene, and copolymers thereof (column 3, lines 30-32). Regarding claim 5, the sliding inserts (17, 18) are two opposed pressing members.

Peters et al. thereby discloses all of the limitations of claims 1, 3, 4, and 5.

5. Claims 1, 3, 4, and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Rathman et al. (US Patent 5,106,569). Rathman et al. discloses the claimed limitations as follows: providing a mold (14) with separate mold sections (16, 18, 20, 22) which define cavity portions (32, 34), one of which is the opening (34) and, in alignment with the opening cavity portion (34), providing a compression member (64); positioning an extruded parison (96) in the mold; closing mold sections (18, 20) which causes other mold sections to close (16, 22) (column 5, lines 38-44); expanding the parison such that it extends into the open areas between cavity portion (34) and compression member (64) (See Fig. 8); pressing the compression member (64) against the opening portion of the mold (34) to compression mold this portion of the parison and form a protruding member (114).

Regarding claims 3 and 4, Rathman et al. discloses using HDPE to form the parison (column 7, lines 23-26). Regarding claim 11, the protruding member (114) has a hook formation (see Fig. 9).

Rathman et al. thereby discloses the limitations of claims 1, 3, 4, and 11.

6. Claims 1 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Satsukawa et al. (JP 63-242,723A). Satsukawa et al. discloses the claimed limitations as follows: placing a resin parison into a mold (40A, 40B) and using a press mold (45) to form a flange (32B) where the parison

is blown such that it enters an opening in the mold (formed by 42A,B and 43A,B) (See Fig. 2c) before the parison is pressed to form the flange (See Fig. 2d). Satsukawa et al. thereby discloses the limitations of claims 1 and 9.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Peters et al. (US Patent 3,424,829) in view of Przytulla et al. (US Patent 4,378,328). Peters et al. discloses the claimed limitations as follows: providing a blow mold with mold halves (11, 12) which form a cavity (13) with a main portion (14) and a handle portion (15); i.e., opening; also providing sliding inserts (17, 18); placing a parison (20) into the mold halves (11, 12); blowing a partially blown parison or preblowing and then blowing the parison (column 2, lines 65-72), while the sliding inserts (17, 18) are withdrawn, to allow the parison to conform to the shape of the mold cavities (14, 15) (see Fig. 4, which depicts the parison extending through the mold cavity 15; i.e., the opening); advancing the sliding inserts (17, 18) to pinch out the handle opening and then continuing to blow the parison until it conforms to the shape of the mold (See Fig. 5). Regarding claim 7, Peters et al. does not teach a third pressing member. Przytulla et al. teaches providing a blow mold (1) with a recess therein (7); providing sliding die parts or slides (5, 6); inflating a parison such that it lies against all surfaces

defining the recess (7) (column 3, lines 19-20); moving the slides (5, 6) towards the fixed surface (2) of the mold in order to form a chime portion, and further teaches a radially inwardly directed slider (8) to form indentations in the chime (See Fig. 9). It would have been obvious to a person of ordinary skill in the art to use the method taught by Przytulla et al. to modify the method taught by Peters et al. in order to form an integral figure with the desired configuration. The motivation to use the teachings of Przytulla et al. to modify the method taught by Peters et al. is that both are in the same field of endeavor, that of blow molding and then compression molding an article with an integral feature thereon.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Malik et al. (US Patent 5,543,107); Hammes (US Patent 4,228,122); and Uhlig (US Patent 4,117,062).

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Suzanne E. McDowell whose telephone number is (571) 272-1205. The examiner can normally be reached on Mon and Th 5:30am-2pm, Tues 10am-6:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christina Johnson can be reached on (571) 272-1176. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Suzanne E. McDowell
Primary Examiner
Art Unit 1791